

May 9, 2006

Mark Bradley, Associate Deputy Administrator
Transportation and Marketing Program, National Organic Program
1400 Independence Ave, SW
Room 4008-SO, Ag Stop 0268
Washington, DC 20250

RE: Docket Number: TM-06-06-PR

Dear Mr. Bradley:

I am writing in response to the proposed rule regarding the origin of livestock. My husband, our three sons and I own and operate a 140-cow, certified organic dairy farm in upstate New York. We have been farming organically since 1981, and have been certified since 1984. From 1984 to 2001, we farmed organically, but shipped most of our milk into the conventional market because there was no viable market for organic milk.

We strongly support the rule that once a dairy operation has become certified, all animals must be managed organically from the last third of the mother's gestation. The 12-months of organic management prior to being certified for organic milk production is referring only to the one-time, whole herd transition, and clearly not intended to allow a continual state of transition. The transition should be a one-time opportunity for a conventional dairy operation to make the conversion to organic production. Once certified, there should be no allowance for any non-organic animals to be brought into the dairy herd.

We have experienced first hand how a dairy herd, along with the land that supports it, continues to become healthier the longer it is managed organically. We have a closed herd, meaning we raise all of our own replacement heifers. There is no need to purchase replacement animals, and in fact, we have a surplus of milking animals and youngstock.

To allow the continual transition of non-organic animals into an organic dairy operation could very well damage consumer confidence in organic dairy products. Studies have shown that hormones or antibiotics are two of the main reasons consumers purchase organic dairy products. Conventional animals that are being transitioned into existing dairy herds have been fed GMO feeds, feeds containing slaughter by-products and may have been treated with antibiotics, hormones and other prohibited substances. Continuing to allow this practice increases the possibility of a case of mad cow on an organic farm. If this happens, the organic market will be irreparably damaged.

The market for organic dairy replacement heifers is being damaged by the allowance of continual transition of conventional animals into organic operations. On our farm, we raise all of our own replacements. Our herd is so healthy that we have a very low cull rate, so we do not need to raise all of our heifer calves as replacement animals. We have tried to sell our organic heifer calves into the organic market, but there is currently no demand. All of our surplus organic heifer calves are being sold into the conventional market. There are two reasons for this. First, most organic farms have closed herds, and they have no need to purchase replacements because their cull rate is so low. Second, because of this loophole in the rule, there are huge "heifer ranches" that are being allowed to continually transition conventional animals, then sell them into the organic

market. There is no doubt that this is the biggest factor damaging the market for organic replacement heifers.

If the loophole allowing continual transition of conventional animals on an operation is corrected, it will put all farms, whether big or small, on a level playing field. The whole point of the National Organic Program was to create scale neutral, consistent rules for organic production.

The vast majority of organic dairy producers in the country are following the last third of gestation rule for all replacement animals. It will only be a change for those who have been exploiting the existing rule. To correct the wording problem in the rule, it must be made clear that the 12-month conversion is a one-time opportunity to transition a conventional herd to organic production, and from the time they begin transition on, all animals must be managed organically from the last third of their mother's gestation. It shouldn't matter when or how an operation became certified, whether they transitioned a few animals or thousands, whether they are transitioning the animals to sell as replacements, or whether they certified their land and purchased organic cows. Once an operation is certified, all animals must be managed organically from the last third of the mother's gestation.

It doesn't make sense to have surplus organic animals being sold into the conventional market, while conventional replacements are continually being transitioned into organic herds. If "heifer ranches" want to sell organic replacements, they should be buying organic heifer calves and raising them organically.

With the rule being opened because of the Harvey Lawsuit, it is the perfect time to correct the wording in the rule that allows the "two track" system. Please close the loophole.

Thank you.

Sincerely,

Lisa & Kevin Engelbert
Kristopher and Angela Engelbert
Joseph Engelbert
John Engelbert

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